

- UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

3. Following is a description of my living conditions in the camp at FMC

Devens:

- a. The camp houses more than 100 inmates who all sleep in the same space, divided into doorless, roofless cubicles that are approximately six feet by nine feet, and about six feet high. Each cubicle has a two-person bunk bed. I am currently in a cubicle by myself, but because of the way the cubicles are arranged, I sleep just a few feet away from approximately eight to ten other inmates.
- b. The 100+ camp inmates share 12 toilets, 12 sinks, and 12 showers. These facilities are cleaned by the inmates twice a day. I do not know if they are properly disinfected.
- c. Soap is available for purchase by inmates, but I recently went two days without soap when none was available. Hand sanitizer is also available.
- d. Camp inmates work in different areas of the camp and outside the camp in other buildings and areas of FMC Devens. I work as an “orderly” the Camp Counselor’s Office, Case Manager’s Office, and Correctional Officers’ offices, bringing me within close proximity of officer and staff who leave and return to FMC Devens on a regular basis.
- e. There are four telephones and five computers in the camp. I am not aware when or if they are cleaned. They are not cleaned between users.

- f. For meals, inmates stand in line close together and eat at communal tables.
- g. Approximately three weeks ago, I received three masks to use. They are cheap and flimsy. On April 15, 2020, I received three more masks to use.
- h. I am aware that staff leave and return to FMC Devens on a regular basis, and I am fearful that I will become infected with COVID-19. Staff assigned to the camp also visit the FMC Devens medical facility, where it has been reported that some inmates have presented symptoms consistent with COVID-19. In addition, during the time I have been incarcerated, contraband (cell phones are other prohibited materials) have repeatedly been smuggled into FMC Devens, making me more fearful about whether FMC Devens is secure from COVID-19.

4. I have been incarcerated at FMC Devens since October 20, 2019. The Bureau of Prisons currently projects my release date as January 26, 2022. I have been informed by my case manager, Mr. Noel, that because of my age, the First Step Act makes me eligible for release after serving two-thirds of my sentence, and that my pre-release custody date is July 29, 2021.

5. Since I have been an inmate at FMC Devens, I have had exemplary behavior. I have no disciplinary reports, have held a daily job, completed several adult education classes. Most proudly, I was entrusted to teach a recidivism class to other

inmates, and after the first contingent of classes was complete, it was agreed that I would teach additional recidivism classes.

6. If placed on home confinement, I would return home to East Falmouth to live with my wife, Loretta, to whom I have been married for 32 years. I would be living in the same home, under the circumstances, that I did during the 38-month period between my arraignment (August 18, 2016) and when I self-reported to FMC Devens after I was sentenced (October 20, 2019).

7. I am acutely aware of the the risks of COVID-19, as my wife Loretta's father, William Doo, died due to COVID-19 on April 9, 2020.

8. On April 8, 2020, I filed the attached Inmate Request for Compassionate Release Consideration.

I declare under the penalty of that the foregoing is true to the best of my knowledge.  
Executed this \_\_\_\_ day of April, 2020.

\_\_\_\_\_  
Robert Pena

I hereby certify that I have discussed the contents of this declaration with Robert Pena prior to filing and will submit a signed copy of the declaration when I receive it.

/s/ Scott Katz  
Scott Katz